



04-13-04
APPROVED
for
PTO DEPOSIT ACCOUNT CHARGE
ACCOUNT# 04-1700

Express Mail No. EV 373443983 US

Deposited on: April 12, 2004

DUNLAP, CODDING & ROGERS, P.C.

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/633,173	
	Filing Date	08/01/2003	
	First Named Inventor	Antonio V. Alcazar, et al.	
	Group Art Unit	3644	
	Examiner Name	Francis T. Palo	
Total Number of Pages in This Submission	10	Attorney Docket Number	8403.941

ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> See remarks below:
Remarks 1. Information Disclosure Statement (6 pages); 2. Substitute Form 1449/PTO (3 page); 3. Fee Transmittal (1 page); 4. Transmittal Form (1 page); and 5. Postcard.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	DUNLAP, CODDING & ROGERS, P.C., Customer Number 30589 P. O. Box 16370, Oklahoma City, Oklahoma 73113, Marc A. Brockhaus
Signature	<i>Marc Brockhaus</i>
Date	4-12-2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail or U.S. Express mail no. EV 373443983 US in an envelope addressed to the address below on this date: April 12, 2004			
Typed or printed name	Marc A. Brockhaus, Reg. No. 40,923		
Signature	<i>Marc Brockhaus</i>	Date	4-12-2004

SEND TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPROVED

for

PTO DEPOSIT ACCOUNT CHARGE

ACCOUNT #04-1700

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

DUNLAP, CODDING & ROGERS, P.C.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Express Mail No.:

EV 373443983 US

Date Deposited:

04/12/2004

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known

Application Number	10/633.173
Filing Date	08/01/2003
First Named Inventor	Antonio V. Alcazar, et al.
Examiner Name	Francis T. Palo
Art Unit	3644
Attorney Docket No.	8403.941

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit
Account
Number
Deposit
Account
Name

04-1700

Dunlap, Coddling & Rogers, P.C.
Customer No. 30589

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims		** =	X	= \$0
Independent Claims		** =	X	= \$0
Multiple Dependent				= \$0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Marc A. Brockhaus	Registration No. (Attorney/Agent)	40,923	Telephone	(405) 607-8600
Signature	Marc Brockhaus	Date	04/12/2004		

 Mail Stop IDS
 Commissioner for Patents
 PO Box 1450, Alexandria, VA 22313-1450

1. [X] Preliminary Statements
2. [X] FORM PTO-1449 (Modified)
3. [X] Statement as to Information Not Found in Patents or Publications
4. [] Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. [] Cumulative Patents or Publications

- 6. ☒ Copies of Listed Information Items Accompanying this Statement
- 7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ EPO Search Report
 - 7B. ☐ English Language Version
- 8. ☐ Translation(s) of Non-English Language Documents
- 9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
- 10. ☒ Identification of Person(s) Making this Information Disclosure Statement

Section 1. Preliminary Statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Form PTO-1449 (Modified)

- ☒ A completed Form 1449 (Modified) is attached hereto.
- ☐ No Form 1449 (Modified) is attached.

Section 3. Statement as to Information Not Found in Patents or Publications (Information Not Listed in Form PTO-1449)

Flower pot covers have traditionally been disposed about the outer surfaces of flower pots to decorate the flower pot and to minimize the amount of water or potting medium which may spill from the flower pot. The materials typically used to form decorative flower pot covers are relatively thin. While such thin materials are attractive in that they provide the flower pot covers with a skirt having a loose, billowy appearance, such materials are susceptible to puncturing or tearing by sharp areas or edges on or near the bottom and sides of the flower pot which allows moisture to leak through the flower pot cover, possibly causing damage to carpet, furniture, tile, and other surfaces upon which the flower pot cover may be disposed.

However, if rigid or semi-rigid materials are used to produce flower pot covers and make the flower pot covers less susceptible to puncturing or tearing, then the skirt of the flower pot cover loses its loose, billowy appearance. Thus, it would be of benefit to the floral industry and to the end purchaser to have a flower pot cover constructed of rigid or semi-rigid material, but which has a skirt having a loose, billowy appearance.

Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 10/247,257 filed on September 13, 2002.

(complete the following, if applicable)

[] This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior application Serial No. _____, filed on _____ (date).

The following references were submitted to, and/or cited by, the Office in the prior application(s) and therefore, are not required to be provided in this application:

Section 5. Cumulative Patents or Publications

STATEMENT

_____ is cumulative of the following patents or publications listed on Form PTO-1449:

In accordance with 37 C.F.R. § 1.98(c), a copy of only _____ is being submitted with this Information Disclosure Statement.

Section 6. Copies of Listed Information Items Accompanying this Statement

Legible copies of all items listed in Form PTO-1449 (Modified) accompany this information disclosure statement.

☐ Exception(s) to above:

☐ Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

Section 7. Concise Explanation of Non-English Language Listed Information Items

Section 7A. Concise Explanation of Non-English Language Listed Information Items - EPO Search Report

The relevance with respect to the following citations listed on Form PTO-1449:

is submitted on the basis of accompanying:

(check the appropriate item)

☐ EPO search report that is in the English language,

☐ EPO search report that is not in the English language and that is accompanied also by an English language version of the EPO search report,

that issued on the corresponding European patent application.

Section 7B. Concise Explanation of Non-English Language Listed Information Items - English Language Version of EPO Search Report

Section 8. Translation(s) of Non-English Language Documents

- ☐ Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material:

(complete the following, if applicable)

- ☐ No English language translations of the foreign language parents, publications or information or parts thereof are readily available, except for those listed above.
- ☐ The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.

Section 9. Concise Explanation of English Language Listed Information Items (OPTIONAL)

Section 10. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT

The person making this statement is the attorney who signs below on the basis of the information:

- ☐ supplied by the inventor(s)
- ☐ supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)).



☒ in the attorney's file

☐ provided in the International Search Report cited herein

Respectfully submitted,

Marc Brockhaus

Marc A. Brockhaus, Reg. No. 40,923
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Attorney for Applicant(s)

Express Mail
Date Deposited:EV 373443983 US
April 12, 2004

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known	
Application Number	10/633,173
Filing Date	08/01/2003
First Named Inventor	Antonio V. Alcazar, et al.
Group Art Unit	3644
Examiner Name	Francis T. Palo
Attorney Docket Number	8403.941

U. S. PATENT DOCUMENTS

EXAM INIT.	Cite No. 1	<u>U.S. PATENT NUMBER</u> Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM- DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	5120		Snow	07/11/1871	
	AB	D279279	06-1	Wagner	06/18/1885	
	AC	4674972		Wagner	06/23/1987	
	AD	D298904		Mourich et al.	12/13/1888	
	AE	797175		Collenburg	08/15/1915	
	AF	1212428		Watson	01/16/1917	
	AG	1520647		Hennegan	12/23/1924	
	AH	1892818		Trew	01/03/1931	
	AI	1794212		Snyder	02/24/1931	
	AJ	1868853		Sievers	07/26/1932	
	AK	2355559		Renner	08/08/1944	
	AL	2540707		Beukeiman	02/06/1951	
	AM	2774187		Smithers	12/18/1956	
	AN	2785508		Coleman, Jr.	03/19/1957	
	AO	2845735		Werner	08/05/1958	
	AP	3021046		Pullen	02/13/1962	
	AQ	3022605		Reynolds	02/27/1962	
	AR	3058263		Reynolds	10/16/1962	
	AS	3362105		Steiger	01/09/1968	
	AT	3488022		Vittori	01/06/1970	
	AU	3748781		Erling	07/03/1973	
	AV	3767104		Bachman et al.	10/23/1973	
	AW	3852913		Clendinning et al.	12/10/1974	
	AX	3919163		Clendinning et al.	11/11/1975	

U. S. PATENT DOCUMENTS

EXAM INIT.	Cite No. 1	U.S. PATENT NUMBER Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM- DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AY	3921333		Clendinning et al.	11/25/1975	
	AZ	3923729		Clendinning et al.	12/02/1975	
	BA	3962503		Crawford	06/08/1976	
	BB	3973316		Maher	08/10/1976	
	BC	4043077		Stonehocker	08/23/1977	
	BD	4104845		Hofmann	08/08/1978	
	BE	4170618		Adams	10/09/1979	
	BF	4173108		Eglinton et al.	11/06/1979	
	BG	4216620		Weder et al.	08/12/1980	
	BH	4300312		Weder et al.	11/17/1981	
	BI	4333267		Witte	06/08/1982	
	BJ	4413725		Bruno et al.	11/08/1983	
	BK	4674972		Wagner	06/23/1987	
	BL	4739581		Jarvis	04/26/1988	
	BM	4795601		Cheng	01/03/1989	
	BN	5038933		Weder	08/13/1991	
	BO	5073161		Weder et al.	12/17/1991	
	BP	5094060		Caird	03/13/1992	
	BQ	5161348		Weder	11/10/1992	
	BR	5228234		de Klerk et al.	07/20/1993	
	BS	5239775		Landau	08/31/1993	
	BT	5345745		Weder	09/13/1994	
	BU	5363592		Weder et al.	11/15/1994	
	BV	5396992		Weder	03/14/1995	
	BW	5443670		Landau	08/22/1995	

FOREIGN PATENT DOCUMENTS

EXAM INIT.	Cite No. 1	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Lines, Where Relevant Passages or Relevant Figures Appear	T*
		Office 3	Number 4	Kind Code ⁵ (if known)			
	CA		560532		Switzerland	04-1975	
	CB		5874		Gr. Britain	05-1886	
	CC		5408		Gr. Britain	03-1903	
	CD		1204647		Gr. Britain	09-1970	
	CE		2102789		W. Germany	03-1972	

FOREIGN PATENT DOCUMENTS

EXAM INIT.	Cite No. 1	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office 3	Number 4	Kind Code ⁵ (if known)				
	CF		2489128		France	05-1982		

U.S. and Foreign: ¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard St.3). ⁴Form Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

EXAM INIT.	PATENT DOCUMENTS	
	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	
	DA	Brochure - Speed Cover, The Simple Solution for Those Peak Volume Periods, Highland Supply Corporation, 1989
	DB	Brochure - Speed Sheets and Speed Rolls, Highland Supply Corporation, 1990
	DC	Brochure - Speed Cover Especially Designed for Hanging Baskets, Highland Supply Corporation, 1989
	DD	Brochure - Introducing Highlander Prisma Film, Highland Supply Corporation, 1989
	DE	Brochure - Easter Basket Kit, Highland Manufacturing & Sales Co., undated
	DF	Brochure - Floral & Nursery Products, IVEX Partners in Performance, undated
	DG	Brochure - Redi-Wrap Floral & Nursery Products, IVEX Partners in Performance, undated
	DH	Brochure - Holiday Colors, A Special Holiday, A Special Pot Cover, IVEX Partners in Performance, undated
	DI	Brochure - Redi-Wrap Floral & Nursery Products, The Instant Pot Wrap, IVEX Partners in Performance, undated
	DJ	Brochure - Packaging for Profits, IVEX Partners in Performance, undated
	DK	Speed Cover Brochure, "The Simple Solution for Those Peak Volume Periods", Highland Supply Corporation, 1989
	DL	Speed Sheets and Speed Rolls Brochure, Highland Supply Corporation, 1990

Non Patent Documents: ¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature:

Date Considered:

EXAMINER: Initial if citation considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant. **Place of Publication refers to name of publication in which the information was published.